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Burgess, John William

Address of
Prof. John W. Burgess

[Newport, R. I.]

[1913]

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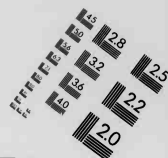
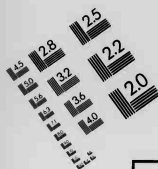
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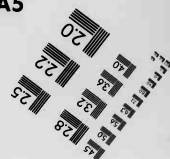
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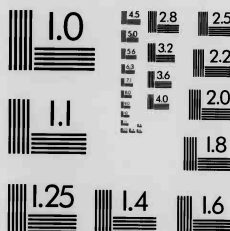
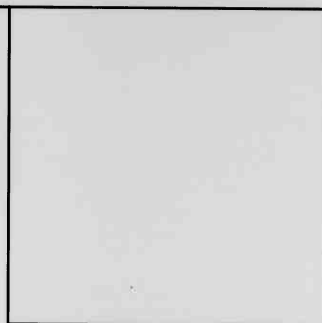
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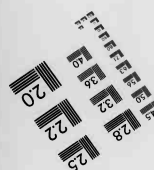
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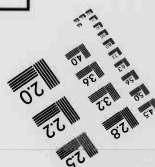
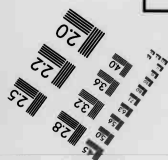
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Newport Improvement Association

September 5, 1913

(BULLETIN NO. 2)

ADDRESS OF

Professor John W. Burgess

Made on the invitation
and at the request of the

Newport Improvement Association

September 5th, 1913

NEWPORT IMPROVEMENT ASSOCIATION
Newport, R. I.

August 5, 1913.

PROFESSOR JOHN W. BURGESS,
Gibbs Avenue,
Newport, R. I.

Dear Sir:

By direction of the President of the Newport Improvement Association, I have the honor to inform you that its Executive Committee has unanimously adopted the following motion, viz:

"Whereas it is understood that Professor John W. Burgess has studied the administration of municipalities in Europe, and in the United States, and especially of that of the City of Newport. Now, Therefore, it is moved that Professor Burgess be requested to address the Newport Improvement Association on that subject, at some near date, that may be convenient to him, and to the said Association."

The other officers of said Association, also join in this request, and in the hope that the citizens of Newport generally, as well as our members, may have the opportunity and advantage of hearing you on this subject.

Very respectfully,

Your obedient servant,

FREDERICK P. GARRETTSON,
Chairman.

Professor Burgess accepted the foregoing invitation, and made the address which follows, at a largely attended meeting, held September 5th, 1913, in the Rogers High School Building.

John Thompson Spencer, the President of the Association, presided.

Dr. Nicholas Murray Butler, President of Columbia University, (with which Professor Burgess was so long and honorably connected) made some appropriate introductory remarks, and at the conclusion of Professor Burgess's address George L. Rives, Esq. in a short speech moved that the thanks of the meeting be tendered to Professor Burgess, and that, with his permission, this Association publish the address, which motion was unanimously carried.

ADDRESS OF
Professor John W. Burgess

Mr. President Spencer, members of the Newport Improvement Association, and guests of the Association:

It is a real surprise to me, and a genuine pleasure, to be introduced to this distinguished audience by my old pupil, friend, colleague, and chief, President Butler, and I thank him most sincerely for his generous words.

When a man comes newly into any community it is always prudent, as well as modest, for him to go far back and sit down, and be quiet for a long time, and listen, observe and learn. Since my advent here, something over a year ago, this has been my policy, and I would have continued in this line still further and for a longer time had your Executive Committee not seen fit to draw me out of my seclusion and request me to discuss the subject of municipal government in general, and as it has been fashioned and is fashioning itself in this city in particular. This is a vast subject, and if I am to do anything with it in the brief and hurried moments allotted to this lecture, or talk, I must plunge immediately into the heart of it, and deal with it in terse language as well as in general principles.

What then, in the first place, is a municipality, a city-municipality, in the system of sovereignty and government of our American Republic? Very few publicists agree exactly upon the answer to this question. Nevertheless, disregarding minor details, it seems to me that we may classify the most eminent among them under three categories, from this point of view. First, those who represent the city-municipality as being a business corporation purely, a corporation having functions, exercising powers and discharging duties for the city-community very similar, if not precisely similar, to those

possessed and employed by the incorporated body of stockholders of a railroad or a manufacturing concern. Second, those who regard it purely as an administrative division of the State, or Commonwealth, as the agent of the State government in a given locality, in a relatively populous locality, in a locality differing from other localities chiefly in the fact that the inhabitants reside more closely together. And, thirdly, those who hold it to be both an administrative division of the State, or Commonwealth, and a business corporation, and, also, a social organization, in combination. Those of the first class contend, and, upon the ground of their conception of the city-municipality, logically contend, that the basis of the government of a city-municipality is the body of contributors of the fund for running the business, the taxpayers, the stockholders, so to speak, of the municipal corporation, and, to be strictly logical, the taxpayers exercising power and weight severally in the proportion of their contributions. Those of the second class contend that the basis of the municipal government is the body of voters within it endowed by the State with the suffrage for all State purposes. Lastly, those of the third class contend that the basis of the municipal government is the sum total of the human beings and the human interests, in due proportion and proper balance, whose local needs it must subserve, and whose advancement it should promote.

If we cast the glance back for a moment over the history of municipal government, we can easily discern a correspondence between its developments and these theories of the publicists. The original city of Mediaeval Europe was in most cases a collection of little homes around a sanctuary or a Bishop's seat, and its purpose was religious and social rather than political or governmental. The heads of the households were the source of authority, and things were done by moral suasion and general agreement, rather than by compulsion. The city was thus, originally, an organization for the satisfaction of local needs almost exclusively, if not wholly so. It had no corporate existence as a legal

entity, and there was no authority in it to govern, that is, to compel, by physical force, obedience to its commands. The heads of the households simply got together in a sort of original assembly and agreed to do certain things in a certain way and to provide the means therefor. As time wore on these agreements and methods and contributions of services and other means hardened into customs, and the city of the feudal ages stands before us as a sort of big business firm following in its operations the line of precedents, which centuries of communal life had developed, and working always for the satisfaction of local needs through the persuasive power of common understanding and neighborly feeling.

When, now the modern monarchies began to arise, in the 15th and 16th centuries, one of the first moves of the Kings in their struggle with the feudal lords was to incorporate the cities, according to the principles of the revived Roman law, and make of them administrative divisions of the royal government. The King selected certain persons among the inhabitants of a city, and conferred on them the power to compel obedience to their authority in the management of the affairs of the community. The city became thus invested with the powers of government, and compulsion took the place of custom based on original general agreement. As a branch now of the royal, or central, government, the city began to have new functions and duties, and as this new conception of the city-municipality realized itself in every direction, the city as an organization for the satisfaction of local needs gave way to the city as a royal agency for the local administration of royal law.

When, finally, the revolutions of the 17th, and 18th, centuries created constitutions and legislatures, and laid limitations upon royal absolutism, these central legislatures succeeded to the powers of the Kings in the municipalities. The legal basis of municipal government became now a charter granted by the Legislature, a charter which was limited, not only by the provisions of the con-

stitutional law in behalf of individual immunity against all governmental power, that is, in behalf of individual liberty, but, also, limited by the stipulations of the legislative statute, confining the municipal government to the exercise of the powers expressly granted in the charter. This was the idea and system of municipal government which we received from Europe, chiefly from England, during the 18th, and the first half of the 19th, centuries.

The manner, however, in which the first settlements were established here, in the 17th century, preserved some of the elements of the feudal city-municipality. The New England towns, for example, give us a picture of communal independence over against the Colonial legislatures and the whole Colonial government, and of an independent activity in behalf of local needs, which does not entirely comport with the idea of the municipality as a division simply of the Colonial administration. Nevertheless, the fact that all the powers of government granted in the Colonial charters were conferred upon the Colonial corporations tended from the first to overcome the conditions of local independence produced by the method of town settlement. The actual, as well as the legal, centralization of governmental power in the Colonial governments, especially in the Colonial legislatures, was the line of development throughout the whole Colonial period of our history, and when the Colonies became States of the Union, independent of England, this development continued, until now the original element of local independence in the city-municipality has become about entirely obliterated, at least from a legal point of view. Legally, the city-municipality is now with us only an administrative division of the Commonwealth and subject always to its supremacy and control, limited as to its own powers, first, by the Constitution of the United States in those provisions protecting the individual against the exercise of governmental compulsion, i. e. compulsion by physical force, over him, and secondly, by the corresponding provisions of the constitution of the Commonwealth, and limited to the

exercise of such powers only as may be conferred by the legislative act in the charter. From a legal point of view, thus, municipal government in the United States has become completely confounded with political government, and the necessity for a certain degree, at least, of local autonomy in the satisfaction of local needs has been largely, too largely, if not completely, ignored. This mistake in political philosophy, for I regard it as such, has been the chief cause of the error, among many other errors, of confounding municipal suffrage with State and National suffrage, one of the most harmful deductions from which is that because a person may vote in only one municipality for officers of the State and members of the State legislature, or for presidential electors, or members of Congress, he, likewise, may vote in only one for the municipal authorities and on purely municipal questions. To this lack of distinction between State suffrage and municipal suffrage is largely attributable both the sacrifice of municipal purposes to the purposes of political parties and the corruption which reigns almost everywhere in our city-municipalities. Under the rule engendered by this error large numbers of persons having the greatest stake in the true welfare and prosperity of a given community are without any voice in the management of its affairs and are regarded by many of those who have voice, too often by the majority of those who have, as legitimate subjects of plunder, not only to the injury of the plundered, but to the greater injury of the plunderers, for all injustice is a greater harm to the doer of it than to the sufferer of it.

Happily, however, the best modern thought and also the most recent judicial decisions touching the character of the city-municipality and its relation to the State of the Union in which it exists and to the State and National governments are beginning to draw a line of distinction between the different functions and purposes of the municipality, placing upon one side of this line those functions and powers in the exercise of which the municipality is to be regarded as an agent of the State government, an admin-

strative division of it for the city locality, such as the police, taxation, education, poor relief, sanitation, and on the other side, those appertaining to the satisfaction of local needs, such as water supply, sewerage, protection against fire, public works, streets, highways, parks and public amusements, and are thus beginning to claim for the city-municipality a sphere outside of its function as an administrative agent of a State of the Union, a sphere in which a certain local autonomy should be recognized to it, if not as a constitutional right, at least in accordance with a well established custom of legislative action. If this most modern line of thought should be followed to its logical results, and I feel that it will be, it will tend to several most healthful changes in the system of municipal government. First, it will claim that the most substantial portion of any city-municipality is the body of homeowners, and that they should be the predominating factor in the government of the municipality; second, that municipal suffrage should be distinguished from political suffrage, and that every independent taxpayer in any community, of legal age, should be a fully qualified participant in municipal affairs; third, that all human beings, resident in any community, whether contributing anything to its support or not, have an interest in the government and the affairs of the municipality, which must receive its proper and proportional recognition and representation, and, lastly, that the legislative act chartering a municipality should vest it, in the sphere of its natural autonomy, with general powers, rather than specific powers, and trust to a properly arranged balance of interests in the control of the municipal government to guard the same against abuse. Any competent student of the history of municipal government will easily recognize that almost all the errors, shortcomings and corruption, for which this country is especially noted in city government, are attributable to the failure to observe one or the other or all of these principles.

Now, I am not contending that these distinctions and principles have been established from the beginning of

human experience, and have been consciously and corruptly disregarded by those who have been responsible for municipal legislation and the administration of municipal affairs. On the whole, I think it must be conceded that men act, in large degree at least, in accordance with the light which they possess. The fact is that the science of municipal government, like most other things, is a historical development. The thought of man runs, it is true, ahead, but only a little way ahead, of the actual state of things, and, then it must be tested and adjusted by application. We had to have the ancient city, which was the State itself, the mediaeval city, which was, originally, only a voluntary association of individuals, without any of the powers of sovereignty, that is, of physical compulsion, the city of the absolute monarchic era, which was an administrative division of the royal government, the city of the early constitutional period, in whose legal construction and control the parliaments took the position of the Kings, before we could arrive at that ripeness of experience, which fits us to understand and appreciate these very modern distinctions and principles, which I have just enumerated and expounded. But now that we have reached them in our thought, and recognize them as the logical and legitimate outcome of municipal development, we are culpable if we fail to apply them, and we are inexcusable if we delay, unreasonably, their application.

Let us examine, now, how the city of Newport squares, in its municipal government, with these demands of modern municipal science. First, it has a charter, bearing date of the 19th, of April 1906, granted in the usual manner in our States of the Union; viz. by legislative act. This charter vests both State and local functions, chiefly of administrative character, in the government of the city, recognizing, thus, though rather confusedly, that municipal government is both an agent of the State for the administration of State functions in local instance and an organization for the satisfaction of local needs. It carries out this distinction, in some degree at least, by providing

a different electorate for certain officers of the municipality, as the Mayor and the members of the School Committee, or Board of Education, from that which chooses the more distinct agents of the locality, and it preserves at least a shadow of the general local independence of the early Colonial town, in that it grants a small residuum of general powers instead of tying the municipal government strictly down to the exercise of express powers only.

This charter then creates, or rather recognizes, as the basis of the government, the electorate in three classes. The first class contains all male citizens of the United States, twenty one years of age, who shall have had residence and home in this Commonwealth for two years, and in this city for six months, next preceding the time of voting, and whose names shall be registered on, or before, the last day of June next preceding the time of voting. The second class includes all persons having the qualifications of the first class, and in addition thereto, the qualification of having severally paid within the year next preceding the election, at which they may offer their votes, a tax upon personal property valued at not less than one hundred and thirty-four dollars—the language of the provision is property, but in application it is personal property. The third class includes all persons having the citizenship, sex and age qualifications of the first class, and in addition thereto, the qualification of residence and home in this State for one year, and, in this city for six months, next preceding the time of voting and who shall severally possess in own right real estate of freehold in this city, to the value of one hundred and thirty four dollars, at least, over and above all incumbrance, or which shall rent for seven dollars per annum, over and above all rent reserved or the interest of any incumbrance thereon.

On the basis of this electorate the charter erects the city government, consisting, first, and as its most fundamental part, of the city Council, composed of one hundred and ninety-five members, thirty-nine from each of the five wards into which the city is districted on the principal of equality of population, the members of which are elected by

the votes of the second and third class of voters and, as sole express qualification, shall have their residence in the ward from which they may be elected, and shall each serve for a term of three years, the Council to be renewed by thirds each year, and exercising, first, the power of making all municipal ordinances, second, the power of financial and general administrative control, third, the power of an electorate of all municipal officers and agents whose election is not otherwise provided for by the charter, and, lastly, all residuary municipal powers, that is, all municipal powers not expressly vested in some other body or person.

The city government is made by this charter to consist, in the second place, of a Mayor and Board of Aldermen, and of a School Committee, and of such other officers as the Council may elect, or empower the Board of Aldermen to elect, the Mayor and the members of the School Committee to be chosen by the electors of all three classes, and the members of the Board of Aldermen, one from each ward, by the electors of the second and third classes, and with the Mayor to serve for the term of a single year; the Mayor to be an ex-officio member of the Board of Aldermen and its President, to have the power of suspending all officers, and with the concurrence of the Board of Aldermen to exercise the superior control of the police within the city; and the Board of Aldermen to form the committees for the general administration of the different departments of the city government, and to have general supervision over all matters affecting the welfare of the city, and, unless otherwise specially provided, all the powers, conferred by statute, at the time of the granting of this charter, upon town councils and boards of aldermen generally within the State. The charter recognizes thus and follows the principle of the separation of powers in municipal government which obtains in the National and State governments of this Union.

Finally, the charter authorizes the chairman elected by the Council to appoint, annually, a committee of twenty-

five members, five from each ward, on appropriations, and confers upon this committee the power, and charges it with the duty, of considering the subject of the annual appropriations and making report thereon to the Council.

It is not necessary for me to go any further in the analysis and description of this interesting instrument. Enough has been said for our purpose in this lecture, and to go into further detail would only tend to confuse the mind and lead it away from the vital question before us. That question is, how has the system of municipal government created by this charter worked in bringing about a proper balance of all of the interests having a stake in the welfare of the city? This can be determined with any exactness in one way only, viz; by a critical analysis of the book of tax assessments, of the voting list, and of the personnel of the Council with its committee on appropriations and of the Board of Aldermen.

Let us begin with the book of tax assessments. In order not to burden the memory too severely, I will state the figures, in most cases, in round numbers, which will be very close approximations, and I will use the most recent book of assessments, that of 1913. The number of taxpayers recorded therein for the present fiscal year reaches nearly 6500. Of these about 1650 are women and about 4850 are men. The total amount of the property assessed, as valued by the assessors, is \$63,333,800.00. Of this amount, real estate is valued at \$37,736,663.00, and personal property at \$25,597,137.00. The whole amount of the tax assessed upon both kinds of property is \$621,104.80. We will call it for convenience of memory \$621,000.00. \$483,000.00 on real estate and \$138,000.00, on personalty. Of the tax on personalty of \$138,000.00, firms and corporations assessed on personalty alone pay about \$25,000.00, leaving the whole amount of the tax assessed upon the holders of real estate alone and of both real estate and personalty, and upon natural persons holding personalty alone, about \$596,000.00. Of this sum total only about 16,000 dollars fall upon the payers on personalty only. The rest

is paid by those taxed upon real estate alone, or upon both real estate and personalty. That is to say the real estate owners pay almost all of the personal tax also. Of the \$596,000.00 assessed upon them, and upon natural persons owning personalty only, they pay the sum of \$580,000.00, the whole tax of \$483,000.00 on real estate, and \$97,000.00 of the tax on personalty. Their financial stake in the welfare of the city is thus more than thirty-six times as great as that of the natural persons paying a tax upon personalty only; and if we should give these latter the benefit of the tax on personalty paid by firms and corporations assessed on personalty alone, which would be manifestly gratuitous, the financial stake of the real estate owners in the welfare of the city would still be more than fifteen times as great as that of the holders of personal property alone.

Now in any properly balanced city government this relation of things should be duly reflected and fairly realized. As I have already said the owners of the homes in a city make up the most substantial and important element of the city's life. This is peculiarly true of a city like Newport, which is what is called abroad a real residence city, a city of refined, and in many cases, elegant homes. Here, if anywhere in the world, the owners of the homes should predominate in the government of the city. It is they who have the deepest interest in its welfare. It is they who put more into it than they take out of it. It is they who pay for its up-keep. It is they who have pride in its beauty. It is they who uphold its morality and its fair name. They are its best and truest guardians, and woe betides any city where they allow themselves to be driven from their natural and proper place of responsibility and duty.

Now let us examine the list of voters in this city, and for this purpose I will use the last list prepared by the canvassers, that of the 28th, of May 1913. On this list the voters are separated into three classes. The first class contains the voters qualified by having interest in real

estate, the second class those qualified by the payment of a tax on personal property only, and the third class contains those qualified by reason of being registered. The number of voters of the first class is closely around 1968, of the second class closely around 2312, and of the third class closely around 1269, making a total of about 5549 voters. I have been informed by the city official, in whose domain this matter lies, that a full registration of the voters of the third class would bring the number of this class up to about 1400, and the total registration up to about 5700. We may, therefore, affirm most confidently that the number of voters of the first class is a little less than 2000, and of the second a little over 2300. The voters of the third class may be eliminated for the moment, from this discussion, since they are not qualified to vote for the members of the Council, or of the Board of Aldermen, nor upon any proposition to impose a tax or to make an expenditure.

The first conclusion at which we arrive, therefore, in our study of the character of the city-electorate, is that the decided majority in the same is composed of persons whose only financial stake in the city is incidental to the ownership of personal property, and the payment of a tax thereon. Now this is a very slender and fugitive interest, a very small and uncertain stake in the city's welfare. When it is compared with the vast, settled and permanent interest, the great stake which the ownership of realty and the tax upon realty represent, it virtually vanishes. But this is not all, not even the most serious thing about this majority. What is most disquieting in regard to it is the fact that of the little over 2300 persons who compose it nearly 2200 pay only a nominal tax, a tax upon the nominal sum of \$200. According to the assessments of the present year, this tax per person amounts to only \$2.56 and the whole tax paid by the 2200 persons, who in themselves constitute a majority of the entire municipal electorate, amounts to less than \$6000.00. In other words, the ultimate governing body in this city, the majority of the

electorate, has a financial stake in the welfare of this city which amounts to not more than one one-hundredth part of that which the minority of the voters and the unenfranchised taxpayers have. I class the unenfranchised taxpayers with the minority of the voters in this statement. They consist of some 1650 women and about 250 men. They are all genuine tax-payers and most all of them owners of homes. They pay in the neighborhood of 70% of all the taxes assessed by the city, and yet have no voice whatsoever in its government. Even though we should consider all these persons and the vast financial interest in the welfare of the community which they have as a negligible element in this analysis, which would certainly be gratuitous and erroneous, still the minority of the voters would have thirty times the financial interest and stake in the welfare of the city that the majority of the voters, the ultimate governing body of the city, have.

There is one more question, however, about this majority of the electorate of this city which must be posed and answered, one more very important question, viz: Is this majority coherent and persistent, or is it accidental, inarticulated, purposeless and leaderless? It seems to me that there is evidence of its coherence, in certain degree at least, and in growing degree. In the first place, it is composed of a single class of tax-payers, all of the same sex, all of age, and all paying exactly the same tax, and that the minimum tax which qualifies to vote for financial measures or for members and officers who are authorized to deal with such measures. They are tax-payers, as I am informed, not sought out by the assessors. On the other hand, they seek the assessors and demand to be listed as tax-payers on an amount of personalty qualifying them to exercise the full municipal suffrage. They would not be taxed at all on property except for this demand of their own. Their purpose in becoming voters is thus certainly not defensive of their property against taxation. Nobody knows even that they have any property, and they can remove themselves from the tax list any year by failing to

report. They must have, consciously, or half-consciously, or instinctively, some positive purpose. It is not necessary, in this connection, to inquire what that purpose is, or to indulge in any animadversion upon it. The point to be emphasized here is that a large body of persons in exactly the same condition and degree of condition, as to rights and duties, and having a common purpose, positive or negative, clearly defined or dimly defined, form a class, a coherent body, and if it controls the government, a ruling class. Another indication that this majority is a coherent body is to be found in the facts that 75 members of the Council belong to this class of voters, 11 or 12 of the 25 members of the budget committee of the Council, and 2 of the 5 members of the Board of Aldermen. At the time that this charter went into operation some six years ago, only 60 members of the Council belonged to this class of voters, only 4 members of the budget committee of the Council, and no member of the Board of Aldermen. It has thus doubled its hold upon the government of the city during these five or six years. A majority which can accomplish such a result as this must have coherence.

There is another disquieting thing about this majority, almost a sinister thing. It is that in the 1200 to 1400 voters paying no tax whatever upon property it has a source of continuous recruitment. All that any one of these has to do, in order to acquire full municipal suffrage, is to report to the assessors of taxes that he desires to be taxed on the sum of \$200.00, personalty and pay the tax. The assessors are not required to find out whether he has any property at all. It is assumed that a man will not offer to pay taxes on property which he does not possess. Some other person may even really pay the tax. Anybody who is willing to invest a thousand dollars in such an enterprise can thus easily increase the existing majority, now already in virtual possession of the government of the city, by four or five hundred votes.

The final test of the coherence of a majority, is whether it has a leader, and is amenable to leadership. Whether

the majority now dominant, as to numbers, in this city's electorate has found its leader and obeys him, I will not undertake to say. I will, however, say, and of this I feel as sure as I do that the sun will rise to-morrow, that if it has not already found its leader, it will find him, provided the course of development which it has been following for these past five years, and is now following, be not speedily turned or checked. It is not within the range of human probability that a governmental majority having so small a financial stake in the economic welfare of a community shall not, sooner or later, find its selfish interest in an extravagant expenditure of the money of the tax-payers in enterprises and projects, promising contracts, commissions and employment to those in whose hands the execution of them may lie, and shall not band itself together in firm unity under a leadership devoted to this purpose.

It is no part of my intention, in this lecture, to state any grievances, prefer any charges, or make any criticisms of a personal nature. I am today acting the part of a political scientist analyzing a system of municipal government. As such, however, I am obligated to say that the classes and interests concerned in the working of the government of this city are badly out of balance, and tending to become utterly unbalanced. In fact, I think this tendency is already more than half realized. A city-municipality, in which the payers of by far the larger part of the taxes are by law prevented from taking any part, whatever, in its governmental management, in which the petty interests of the smallest tax-payers on personalty go for more than the hundred times greater interests, contributions and sacrifices of the tax-payers upon the realty, upon the lands, the buildings, the stores, the shops, and, above all, the homes, and in which projects for large expenditures of public money are filling the air, is in a situation which furnishes every element of opportunity for misgovernment. I do not think in all my reading upon the history of municipal government, and in all my experience with its actual working, I have come upon a situation offering a

better opportunity for misgovernment. It is a situation which in the past has generally, almost always, followed a line of development in which the stages have been, first, municipal vulgarization, second, abandonment of the community by the people of means and refinement, third, municipal bankruptcy and, lastly, demoralization and pauperization of those left behind. It is not in the interest of any person or class of persons that such a situation should be allowed to continue, not even of those who appear to be the beneficiaries of it. Benefits secured in this way are not only unjust, but they always prove to be short-lived and demoralizing to those who enjoy them. The real welfare of a city, and of all its inhabitants, is attained only by a natural and proper balance of all the needs and all the values existing within its limits, and a genuine municipal government must reflect this balance in all its organs and procedure.

I shall not undertake, at this time, if ever, to recommend to you such modifications in the charter of this municipality as would, in my judgement, produce such a balance, but, if you will indulge me a little longer, I will briefly outline to you, as an example, the municipal system of the best governed city in the world, the city which, also, does the most for the people in every class and occupation, the magnificent capital of the German Empire, the city of Berlin.

Beginning, of course, with the electorate, we find that all males, 25 years of age, Prussian subjects or, as we would say, citizens, being genuine tax-payers of a sum exceeding some three or four dollars per annum, are the qualified municipal voters. These are first separated, geographically, into 42 districts, — this was the number a few years ago when I examined, personally, the Berlin system — and then into 3 tax classes in each district. This latter division is effected by dividing the whole amount of the tax paid by the voters in each district into 3 equal parts. The largest tax-payers are then placed, in the order of the amounts which they pay, in class I., until the aggre-

gate of the amount paid by them equals one-third of the total amount paid by all the tax-paying voters of the district, then, in the same manner and until the taxes paid by them reaches a like amount, the next largest tax-paying voters are listed in class II., and, finally, the remainder of the tax-paying voters are listed in class III. This electorate thus classified is the basis of the municipal government. The central institution of the municipal government is the Council. It consists — or did consist a few years ago when I was engaged in studying it on the ground — of 126 members, 3 from each of the 42 electoral districts. The entire attention of the voters is concentrated upon the election of the members of the Council, no other part of the municipal government being elected by them. Each of the classes of the tax-paying voters in each district elects one member of the Council, and the continuity of the Council is preserved by uniting the districts into 3 groups of 14 districts each, each group electing in turn its Councilors every six years, making the Council thus a gradually changing body of members, each member holding for 6 years. The position of Councilor is one of great honor and great trust, but without emolument. Service as Councilor is compulsory, a penalty being inflicted upon any person elected and refusing. The voters of each class in each district may choose their representative in the Council from any class, and any district in the city, the entire municipal talent of the city being thus at the disposal of any class of the voters in any district, under a single most important customary restriction, viz; that at least three-fourths of the Councilors shall be house-owners. In the beautiful and prosperous city of Frankfurt on the Main, nearly 90% of the Councilors are house-owners. As I have said, the Berlin City Council is the fundamental institution of the city government, the only part elected by the voters. It first supplements itself by choosing a body of citizen deputies, as they are called, to the number of some 75 persons, from among the persons in the city best acquainted with its needs and with the ways

and means of satisfying them. These persons have seats and voice in the Council but no votes. They serve chiefly on the committees formed by the Council for the oversight of the various municipal departments as the expert advisers of these committees, and they represent the co-operation of the citizens in the direct management of the affairs of the municipality.

The Council then selects, with the approval of the King, the Mayor, the Oberbürgermeister. It seeks to find the best municipal administrator in the entire German Empire, and I do not think it would hesitate long to take a man from a foreign country, if it thought that the interests of the municipality would be best subserved by so doing. In choosing the Mayor, the Council is swayed by no political considerations whatever, but thinks only of finding the very best business talent for the chief oversight and management of municipal affairs. The Council selects, also, a deputy Mayor of similar qualifications. These superior officials are highly paid, devote their entire time to the service of the municipality, hold for a twelve-year term and may be indefinitely re-elected, and, practically, always are, in case they shall have proved themselves successful municipal administrators.

The Council then selects the Magistrates, that is the expert heads of the departments of the city government, considering only the like qualifications as when choosing the Mayor. These officials are also highly paid and hold for a twelve-year term, and represent the best obtainable expert ability in their several departments. They used to be 17 in number, and I have no knowledge that this number has been changed. To these are also adjoined, by vote of the Council, an equal number of unpaid Magistrates, or advisers, representing the direct co-operation of the citizens, again, in the detail of municipal administration. There is no Board of Aldermen, but the Mayor, the deputy Mayor and the Magistrates form the Council of Magistrates as distinguished from the Representative Council, and the Magistrates and Councilors sit together in the

several standing committees formed by the Representative Council for the oversight of the administrative departments.

Remembering, finally, that the Berlin police is not a municipal, but a royal, that is, a State institution, you have in this brief outline a picture of the framework of the most simple, most efficient and successful municipal government, which the world has ever produced. The Prussian State has had no hesitation in conferring upon such a municipal government large and general powers and functions, powers in satisfaction of every local need for which governmental action may be reasonably invoked.

During the last twenty-five years, especially, this municipal government of Berlin has fully justified this confidence and loyally discharged this trust. Our American cities may well stand abashed at such success in the solution of the great problem of municipal government, which, at less than half the cost, does much more intelligently, honestly, and effectively the work which they perfunctorily perform.

If now the government of our fair city should be constructed in accordance with this model, let us see what we should have.

In the first place, we would have to change the qualifications of the electorate, the voting body, only in so far as to admit into it all male citizens of the United States, 21 years of age, and being house-owners in the city. The change, as to the electorate, would relate chiefly to the division of its members in the different wards into 3 classes, each class composed of persons paying in the aggregate one-third of all the taxes paid by the tax-paying voters in the ward, and arranged in the order of the amounts paid by the several voters. A fourth class even might be formed in each ward, composed of those voters not paying any tax on property. On the basis of the electorate so classified, the municipal government would be based, consisting, first of all, of the Representative Council, the members of which would be chosen, 2 by each of the first three

classes in each ward, and one by the fourth class, making thus a council of 35 members for the whole city, 10 more than the well-governed city of Stuttgart has for a ten times larger population, each Councilor to serve for 5 years, and selected without regard to the ward in which he may be chosen, each to be indefinitely re-eligible and to serve without compensation, three-fourths of the Councilors at least to be house-owners, and the Council to be renewed by fifths, one ward choosing in turn each year.

The Council, as the only part of the city government, chosen by the voters, would then select 25 of the most intelligent, and experienced citizens of the community as advisers, who would have seats and voice in the Council, but no votes, and would represent the unofficial co-operation of the citizens in the direct management of municipal affairs. The Council would then select the Mayor, subject, perhaps, to the approval of the Governor of the Commonwealth, since as head of the police he would be exercising a State function. The Council would select the Mayor from any locality within the Commonwealth of Rhode Island, at least, and would seek the best possible municipal administrator, without any regard to other qualifications. The Mayor would be required to give his whole time and labor to the proper administration of his office and would receive an adequate compensation therefor. He would have a term of 10 years and would be indefinitely re-eligible to office.

The Board of Aldermen would be abolished, and the Council would elect expert heads of the administrative departments of the city, and citizen advisers of these, and they, with the Mayor, would form the body of city Magistrates. The expert heads of the departments would be selected only on account of their technical qualifications, would have long terms, and be paid adequate salaries.

Finally, the Council would form supervising committees for the several administrative departments, composed of its own members, both regular and advisory, and of the heads of these departments and their citizen advisers.

And last of all, the powers of the Council would then be largely increased by legislative statute, and would be made general rather than specific, so as to reach and satisfy all those local needs, which might justly and reasonably invoke the action of government.

Now what would be the objection to such a municipal system as this? I fancy it would be said that it does not comport with the principles of democracy. This is what the American politician says when he does not know what to say, either this or that it does not comport with the principles of the Monroe doctrine. But let us keep steadily in mind that we have no genuinely democratic municipal government in the cities of the United States. We have, as yet, developed only a spurious democracy in them, a democracy through which only too often the ignorant rule the enlightened, the thriftless rule the thrifty, the crafty rule the honest, the vulgar rule the refined. This democracy is in one city the elephant, in another the tiger, in another it is termed the hydra, but in substance it is the same thing, in greater or less degree, everywhere. It is hard to find a scientific name for it. It is surely not an aristocracy, and it has too much coherence and persistence to be termed an ochlocracy. If you will allow me to coin a word from the Greek, the linguistic source of most of our political science terminology, I would call it kakistocracy, which, translated into the terms of the Newport situation, means the predominance in the electorate of a single class of taxpayers numbering some 2200 persons, not possessing a single house or foot of land in the community and paying altogether less than \$6000 annually into the city treasury, over all the other classes of taxpayers, who number some 4000 persons, own all the lands, houses and homes in the community and pay nearly six hundred thousand dollars annually into the city treasury. Compared with this, the government of the Berlin municipality is genuinely democratic. If this Berlin government be class rule, it is the rule of all the classes in combination and in proper balance, and has proved itself to be such by the fact that it does

more for all the people than any other municipality in the world. It is, thus, not only a travesty of political science and of common sense to call the municipal government of American cities democratic, but it is, also, a travesty of language, and when you shall have dispatched this caricature of democracy, you will not have sacrificed genuine democracy in any sense or degree, but you will have delivered the country from the veriest incubus of political hypocrisy known to our political history.

Now, I would not be understood as recommending, in this talk, the Berlin municipal system or any other municipal system, in substitute for, or in modification of, the system under which we are now living. I am only endeavoring to assist, as far as I may be able, the people of this community to appreciate the situation in which we now find ourselves, and the line of development which we seem to be following, before it may be too late to change the course of it.

I will say, however, in closing and by way of prophecy, if I may be pardoned the presumption, that if the Berlin system, or something containing its essential virtues, should be adopted in this city, I believe it would give us, for the sum of five hundred thousand dollars a year, all that we now have for six hundred and twenty-one thousand, much better executed, and that it would go far, very far, towards making Newport the unrivalled city of the world for residential comfort and beauty, and for communal refinement.

I thank you Ladies and Gentlemen for your gracious indulgence and your courteous attention.

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